

2. On May 5, 2017, Travelers was served with a citation. Removal is timely because thirty (30) days have not elapsed since Defendant was served with a summons or citation. 28 U.S.C. §1446(b)(1); *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (holding that the 30-day deadline to remove begins on the date the summons or citation is served even if the complaint is received at a prior date).

3. Defendant is, contemporaneously with the filing of this Notice, giving written notice of filing of this Notice of Removal to the clerk of the 132nd Judicial District Court of Scurry County, Texas, and will serve a copy of the Notice of Removal on all counsel of record.

4. In accordance with Local Rule 81.1, attached collectively as Exhibit “A” are all materials filed in the state court. Defendant has also filed contemporaneously with this Notice a civil cover sheet, a supplemental civil cover sheet, and a separately signed certificate of interested persons and disclosure statement that complies with Local Rule 3.1(c) and Rule 7.1 of the Federal Rules of Civil Procedure.

GROUND FOR REMOVAL: DIVERSITY

5. This Court has original jurisdiction over this case under 28 U.S.C. § 1332 because this is a civil action between citizens of different States where the matter in controversy exceeds \$75,000.

(a) The amount in controversy exceeds the federal minimum jurisdictional requirements.

6. Plaintiff seeks damages in an amount greater than \$200,000 but not more than \$1,000,000¹ and attorneys’ fees.² Thus, the amount in controversy meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs.

¹ See Ex. A-2 ¶ 4.

² See Ex. A-1 ¶ 14.

(b) Complete diversity between Plaintiff and Defendants exist.

7. The citizenship of a limited liability company is determined by the citizenship of its members. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). Upon information and belief, Plaintiff is a limited liability company whose members are individuals residing in either Texas or New Mexico. Plaintiff is therefore a citizen of Texas and New Mexico.

8. Corporations “shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business” 28 U.S.C. § 1332(c)(1). Defendant Nationwide Agribusiness Insurance Company (“Nationwide”) is incorporated in Iowa with its principal place of business in Iowa. Nationwide is therefore a citizen of Iowa.

9. Travelers is incorporated in the State of Connecticut with its principal place of business in Connecticut. Travelers is therefore a citizen of Connecticut.

10. Nationwide consents to the removal of this action. *See* Ex. B.

11. Because the amount in controversy exceeds \$75,000 and Plaintiff is a citizen of Texas while no defendant is a citizen of Texas, this Court has original jurisdiction over the present action pursuant to 28 U.S.C. § 1332. Removal is therefore proper.

WHEREFORE, Defendant prays that the above-described action now pending in the 132nd Judicial District Court of Scurry County, Texas be removed to this Court.

Respectfully submitted,

/s/ Wm. Lance Lewis

WM. LANCE LEWIS

State Bar No. 12314560

ALISSA PUCKETT

State Bar No. 24056886

**QUILLING, SELANDER, LOWNDS,
WINSLETT & MOSER, P.C.**

2001 Bryan Street, Suite 1800

Dallas, Texas 75201

(214) 871-2100 (Telephone)

(214) 871-2111 (Facsimile)

llewis@qslwm.com

apuckett@qslwm.com

**ATTORNEYS FOR DEFENDANT THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing pleading has been furnished to all counsel of record, via certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure, this 2nd day of June, 2017 at the addresses indicated below:

Andrew Curtis

Matthew M. McKee

Craig, Terrill, Hale & Grantham, L.L.P.

9816 Slide Road, Suite 201

Lubbock, Texas 79424

Brian J. Bradigan

Ryan D. Brown

Hermes Law, P.C.

2001 N. Lamar St., Suite 450

Dallas, Texas 75202

/s/ Wm. Lance Lewis

Wm. Lance Lewis /Alissa Puckett